

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 26

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte PETER FIELD and DUNCAN KERR

MAILED

Appeal No. 2000-1739
Application No. 08/800,742

JAN 18 2002

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

ON BRIEF

Before ABRAMS, FRANKFORT, and MCQUADE, Administrative Patent Judges.

FRANKFORT, Administrative Patent Judge.

ON REQUEST FOR REHEARING

This is in response to appellants' request for rehearing of our decision mailed August 29, 2001, wherein we affirmed the examiner's rejection of claims 13, 17 through 19, 22 and 26 under 35 U.S.C. § 103 as being unpatentable over Aston (U.S. 5,351,042) in view of Gokcebay (U.S. 5,552,777).

We have carefully considered each of the points of argument raised by appellants in their request for rehearing, however,

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those arguments do not persuade us that our decision was in error in any respect.

Contrary to appellants' assertions in their request, while it is true that the individual references relied upon in the above-noted rejection both seek to provide an electronic cylinder-type lock that can be used as a replacement for a conventional mechanical cylinder-type lock, only Gokcebay teaches and suggests that such an electronic lock be achieved in an "extremely compact fashion" (col. 4, lines 38-40) so that it can be very easily retrofitted into an existing lock system. In this regard, Gokcebay differs from Aston by teaching that the additional hardware needed for blocking opening of the lock (e.g., the blocking lever 42 of Aston and its operating mechanism 40, 41, etc., seen in Figure 4 of the Aston patent) should be located in the cylinder plug itself (i.e., the barrel 11 of Aston) to thereby avoid the need for such hardware to take up space in the lock casing adjacent to the lock (Gokcebay, col. 3, lines 2-6). Indeed, Gokcebay characterizes this aspect of the invention, wherein the blocking pin (38), solenoid (36) and other operating devices of the lock are contained on/in the plug

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itself, as being "the most important features" of the invention (col. 10, lines 11-20).

In contrast to appellants' position (request, page 3), we do not see that the Aston reference "already provides a lock that achieves all of the . . . objectives of the Gokcebay reference" (emphasis added), but instead find that the added degree of compactness achieved by the lock described and shown in Gokcebay is not present in the lock of Aston and that such would have provided ample motivation and suggestion for modification of the lock in Aston in view of the teachings in Gokcebay.

In light of the foregoing, we remain of the view expressed on pages 5 through 9 of our decision mailed August 29, 2001, that one of ordinary skill in this art would have found reasonable suggestion in the collective teachings of the applied references for combining them in the manner urged by the examiner so as to result in an electromechanical lock cylinder like that claimed by appellants which can be very easily retrofitted into an existing mechanical lock opening. Thus, it continues to be our opinion that the subject matter of appellants' independent claims 13, 22 and 26 on appeal would have been obvious to a person of ordinary

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